

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WILLIAM B. ROBINSON,
Petitioner,

v.

JIM MORROW, Warden,
Respondent.

NO. 3:08-CV-00235
JUDGE HAYNES

QW 5/11
Thompson
McGowan
Will
W8M
7-6-10

PETITIONER'S MOTION FOR LEAVE TO FILE SECOND AMENDED PETITION

Pursuant to Federal Rule of Civil Procedure 15 and Habeas Rule 12, the petitioner William Robinson respectfully seeks leave to file his Second Amended Petition to incorporate the exculpatory evidence and DNA results that he has newly identified through the discovery that this Court has allowed.

Federal Rule of Civil Procedure 15(a)(2) allows a plaintiff to amend its complaint with leave of court, stating that "[t]he court should freely give leave when justice so requires." Justice so requires here because Robinson is amending the petition in order to give the State more precise notice of the content of his *Brady* claim.

As explained more fully in his Second Amended Petition, Robinson has discovered exculpatory evidence through the federal discovery process. From the moment police arrested him, Robinson has always said that Sheila Calloway cut him (in a slashing type of manner) on the forearms with the butcher knife, which led to him stabbing her deeply in the chest with that same knife. At Robinson's murder trial, the State told the jury, however, that Robinson was clearly lying because only Calloway's, and not Robinson's, blood was present on the butcher knife. The State presented its DNA results – which showed Calloway's blood on the knife – in